

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ADAM COMMUNITY CENTER,  
a domestic nonprofit corporation, a/k/a Civil Action No. 18-13481  
ADAM COMMUNITY (ACC), a  
domestic nonprofit corporation, Hon. Nancy G. Edmunds

Plaintiff,  
v.

CITY OF TROY, *et al*,  
Defendants.

---

Amy V. Doukoure (P80461) Council on American Islamic Rel. Attorney for Plaintiff 1905 S. Haggerty Rd. Ste.105 Canton, MI 48188 (248) 559-2247 – Phone <a href="mailto:adoukoure@cair.com">adoukoure@cair.com</a>	Lori Grigg Bluhm (P46908) Allan T. Motzny (P37580) Attorneys for Defendants City of Troy, Troy City Council, Troy Planning Commission, Troy Zoning Board of Appeals, Daniel Agaus, David Eisenbacher, Orestis Kaltsounis, Padma Kuppa, and James McCauley 500 W. Big Beaver Road Troy, MI 48084 (248) 524-3320 – Phone <a href="mailto:Bluhmlg@troymi.gov">Bluhmlg@troymi.gov</a> <a href="mailto:motznyat@troymi.gov">motznyat@troymi.gov</a>
Thomas More Law Center Richard Thompson (P21410) Attorney for Defendant Glenn Clark 24 Frank Lloyd Wright Drive P.O. Box 393 Suite J-3200 Ann Arbor, MI 48106 <a href="mailto:rthompson@thomasmore.org">rthompson@thomasmore.org</a>	

**DEFENDANTS EX PARTE MOTION TO FILE A MOTION FOR  
SUMMARY JUDGMENT AND BRIEF EXCEEDING TWENTY-FIVE  
PAGES**

Defendants City of Troy, Troy City Council, Troy Planning Commission, Troy Zoning Board of Appeals (hereafter all Defendants are collectively referred to as Troy or City) moves this Court for an Order allowing Troy to file a motion for summary judgment and brief of 46 pages that exceeds the 25-page limit of LR 7.1(d)(3) for reasons set forth below:

1. The above case has been consolidated for pretrial and discovery purposes with the case of United States of America v City of Troy, Case No. 19-12736, and it is Troy's intent to file the exact same motion and brief in both cases since the issues in both cases are based on the same allegations of fact. In other words, instead of filing two separate briefs of up to 25 pages, there will be one motion brief combination of 46 pages. A copy of the motion and brief and appendix, is separately attached.
2. Pursuant to this Court's scheduling order, dispositive motions in this case are due December 23, 2020.
3. Due to the complexity of the issues in the two consolidated cases, the Defendants motion for summary judgment and brief will exceed 25 pages because limiting the number of pages to 25 will not allow Troy to adequately address all the relevant facts and issues.

4. The circumstances that require a motion and brief exceeding the 25-page limit include the following:
  - a. Plaintiff Adam Community Center filed an eleven-count complaint against Defendant seeking declaratory and injunctive relief and damages and the United States has filed a two-count complaint seeking declaratory and injunctive relief. Based on the total number of counts asserted, Troy requires more than 25 pages to address each of the counts.
  - b. Both cases involve complex issues related to the Religious Land Use and Institutionalized Person Act, 42 USC §§ 2000cc – 2000cc-5 (RLUIPA). Adam's complaint also includes claims filed under 42 U.S.C. §1983 alleging several constitutional violations. Troy cannot adequately address all these issues unless it is allowed to file a motion and brief exceeding the 25-page limit.
  - c. There has been extensive discovery in the two consolidated cases resulting in the exchange of several documents. In response to the numerous discovery requests of the United States, Troy has provided over 10,000 pages of documents to that Plaintiff. There have also been 13 depositions in the two

consolidated cases and three expert witness reports were exchanged. Six of the depositions conducted by the United States were very lengthy affairs beginning in the morning and lasting late into the late afternoon. Due to the extensive discovery that has taken place, it is necessary that Troy be allowed to file a motion and brief exceeding the 25-page limit in order to adequately summarize the facts that are relevant to this case.

Wherefore, it is Troy's request this Court grant this ex parte motion and permit the Defendants to file a motion for summary judgment and brief that exceeds twenty-five pages in length. A proposed order is attached below.

Dated: December 22, 2020

s/Allan T. Motzny

Lori Grigg Bluhm (P46908)  
Allan T. Motzny (P37580)  
Attorneys for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320  
[motznyat@troymi.gov](mailto:motznyat@troymi.gov)

**BRIEF IN SUPPORT OF DEFENDANTS EX PARTE MOTION TO FILE A  
MOTION FOR SUMMARY JUDGMENT AND BRIEF EXCEEDING  
TWENTY-FIVE PAGES**

Defendants rely on the stated facts and court rule stated above in

support of the motion.

Dated: December 22, 2020

s/Allan T. Motzny

Lori Grigg Bluhm (P46908)

Allan T. Motzny (P37580)

Attorneys for Defendant

500 W. Big Beaver Road

Troy, MI 48084

(248) 524-3320

motznyat@troymi.gov

**Certificate of Service**

I hereby certify that on December 22, 2020, I electronically filed Defendants Motion to File a Motion for Summary Judgment and Brief Exceeding Twenty-Five Pages and Brief in Support with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record using the ECF system.

s/Allan T. Motzny

Lori Grigg Bluhm (P46908)

Allan T. Motzny (P37580)

Attorneys for Defendants

500 W. Big Beaver Road

Troy, MI 48084

(248) 524-3320

motznyat@troymi.gov

Dated: December 22, 2020

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ADAM COMMUNITY CENTER,  
a domestic nonprofit corporation, a/k/a Civil Action No. 18-13481  
ADAM COMMUNITY (ACC), a  
domestic nonprofit corporation, Hon. Nancy G. Edmunds

Plaintiff,

v.

CITY OF TROY, *et al*,  
Defendants.

/

**ORDER GRANTING DEFENDANT CITY OF TROY'S EX PARTE  
MOTION TO FILE A MOTION FOR SUMMARY JUDGMENT AND BRIEF  
EXCEEDING TWENTY-FIVE PAGES**

Defendants Ex Parte Motion to File a Motion for  
Summary Judgment and Brief Exceeding Twenty-Five Pages is Granted.

Dated: December, 2020

/s

NANCY G. EDMUNDS  
UNITED STATES DISTRICT JUDGE